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8 **DIRECTO HISPANIC, LLC**

FILED
2008 AUG 22 PM 3:46
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KML DEPUTY

'08 CV 1560 JLS WMC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

10 **DIRECTO HISPANIC, LLC,**
11 *a Florida Limited Liability Company*
12 Plaintiff,

13 v.

14 **DIRECTO HISPANO,**
15 *Form unknown*
16 Defendant.

Complaint for Federal Trademark Infringement

**FEDERAL UNFAIR COMPETITION (15
U.S.C. § 1125(a)); STATE UNFAIR
COMPETITION (Cal. Bus. & Prof. Code
§ 17200 et seq., and 17500 et seq.); and
COMMON LAW UNFAIR COMPETITION**

17 Plaintiff DIRECTO HISPANIC, LLC alleges as follows:

18 **JURISDICTION AND VENUE**

19 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331,
20 1338, and 1367, and 15 U.S.C. § 1121, as it involves an action arising under the United States
21 trademark laws, 15 U.S.C. §§ 1051 et seq.

22 2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2)
23 in that, among other things, a substantial part of the events or omissions giving rise to the
24 claims herein occurred in this judicial district. Upon information and belief, Defendant has
25 advertised, offered for sale and sold its marketing services in this district using a trademark
26 which is confusingly similar to DIRECTO HISPANIC'S trademark.

27 **NATURE OF THE ACTION**

28 3. This is an action for the use of false designations of origin and false and
misleading descriptions and representations in violation of the Trademark Act of 1946,

1 15 U.S.C. § 1125(a); state unfair competition in violation of Cal. Bus. & Prof. Code 17200 et
 2 seq. and 17500 et seq.; and unfair competition and trademark infringement under the common
 3 law.

4 **THE PARTIES**

5 4. Plaintiff DIRECTO HISPANIC, LLC ("DIRECTO HISPANIC" or
 6 "Plaintiff") is a Florida limited liability company with its principal place of business located in
 7 Long Beach, California.

8 5. On information and belief, Defendant DIRECTO HISPANO ("DIRECTO
 9 HISPANO" or "Defendant") is an entity, form unknown, located in New York, New York,
 10 which advertises, offers for sale and performs its marketing services under the confusingly
 11 similar "DIRECTO HISPANO" trademark in this judicial district.

12 **FACTS UNDERLYING THE CAUSES OF ACTION**

13 **DIRECTO HISPANIC and its Service Mark**

14 6. DIRECTO HISPANIC is a well-known marketing firm providing various
 15 marketing services to customers throughout the United States. DIRECTO HISPANIC offers
 16 services to all companies, but targets the Latino community in the United States.

17 7. DIRECTO HISPANIC first began offering marketing services using the
 18 highly distinctive "DIRECTO HISPANIC" mark ("DIRECTO HISPANIC MARK") in 2004.

19 8. DIRECTO HISPANIC's mark is a highly distinctive word mark, which is the
 20 subject of U.S. Trademark Application Serial No. 77/552,801 for "advertising and publicity
 21 services, namely, promoting the goods, services, brand identity and commercial information
 22 and news of third parties through print, audio, video, digital and on-line media; Marketing
 23 services, namely consumer marketing research, branded entertainment and retail marketing
 24 services; Market research; Arranging and conducting marketing promotional events for others;
 25 Providing consulting services in the field of facilitating the planning, buying, and selling of
 26 media; and special event planning."

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1 9. DIRECTO HISPANIC is well known in the marketing industry. Customers
2 contract for and use DIRECTO HISPANIC's services bearing the DIRECTO HISPANIC
3 MARK because of DIRECTO HISPANIC's excellent customer service and reputation.

4 10. DIRECTO HISPANIC has had substantial success as a marketing firm
5 providing services throughout the United States to some of the nation's largest companies.
6 DIRECTO HISPANIC has provided services to companies in various industries, including
7 entertainment, food and beverage, retail, consumer products, wine and spirits, and many others.
8 Since its inception, DIRECTO HISPANIC has generated tens of millions of dollars in revenue
9 under its DIRECTO HISPANIC MARK.

10 11. DIRECTO HISPANIC has also been given numerous awards handed out by
11 the marketing industry, including the International Dairy Foods Association Award and best
12 Multicultural Campaign in 2007 and 2008. These awards handed out by DIRECTO
13 HISPANIC's peers in the marketing industry indicate the widespread recognition and reputation
14 of the DIRECTO HISPANIC MARK.

15 12. DIRECTO HISPANIC has advertised its DIRECTO HISPANIC MARK or
16 had its mark mentioned in numerous media outlets circulated throughout the United States,
17 including several trade magazines and trade websites, as well as its own website located at
18 www.directohispanic.com. DIRECTO HISPANIC is also part of the Association of Hispanic
19 Advertising Agencies, which has national recognition.

20 13. DIRECTO HISPANIC's distinctive DIRECTO HISPANIC MARK is well
21 known and recognized by consumers and others in the marketing industry as indicating
22 DIRECTO HISPANIC as the source of the marketing and promotions services being provided.

23 14. As a result of DIRECTO HISPANIC's Millions of dollars in revenues,
24 length of use, public recognition, advertising, and promotion of the DIRECTO HISPANIC
25 MARK, as well as reputation and quality of the services provided by DIRECTO HISPANIC,
26 the DIRECTO HISPANIC MARK is widely recognized in the marketing industry as originating
27 from DIRECTO HISPANIC, and it distinguishes DIRECTO HISPANIC's superior services

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1 from the services of others. DIRECTO HISPANIC's mark has come to represent an extremely
2 valuable reputation and goodwill belonging exclusively to DIRECTO HISPANIC.

3 **Defendant's Wrongful Acts**

4 15. On information and belief, Defendant is aware of DIRECTO HISPANIC's
5 trademark, of the reputation and goodwill represented by this mark, and that the public
6 recognizes and relies upon this mark as identifying the services of DIRECTO HISPANIC and
7 distinguishing DIRECTO HISPANIC's services from the services of others.

8 16. Notwithstanding this aforesaid knowledge, on information and belief,
9 Defendant continues to set upon a course of conduct to misappropriate DIRECTO HISPANIC's
10 rights in the DIRECTO HISPANIC MARK.

11 17. In or around June 2008, DIRECTO HISPANIC discovered that Defendant
12 was using the nearly identical mark, "DIRECTO HISPANO" in connection with very similar
13 marketing and promotions services as those offered by DIRECTO HISPANIC. DIRECTO
14 HISPANIC also discovered that Defendant was targeting the Latino community. Given the
15 similarity of the marks, the underlying services and target consumers, DIRECTO HISPANIC
16 was quite concerned with potential confusion among the consuming public.

17 18. In a letter dated August 18, 2008, Defendant, through its counsel, demanded
18 that DIRECTO HISPANIC cease and desist any current or future use of DIRECTO HISPANIC
19 or any designation that was similar thereto. Attached hereto as Exhibit "B" is a true and correct
20 copy of the cease and desist letter sent by Defendant's counsel.

21 19. In this August 18, 2008 letter, Defendant claimed that several consumers
22 were confused between DIRECTO HISPANIC and DIRECTO HISPANO and had misdirected
23 their communications to Defendant. DIRECTO HISPANO's letter confirmed DIRECTO
24 HISPANIC's concerns that consumers and potential consumers were being confused by
25 Defendant's use of the DIRECTO HISPANO mark.

26 20. On information and belief, Defendant's first use of its confusingly similar
27 "DIRECTO HISPANO" name is subsequent to DIRECTO HISPANIC's date of first use.

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1 21. Defendant is using its "DIRECTO HISPANO" name without the consent or
2 permission of DIRECTO HISPANIC. DIRECTO HISPANIC has not authorized or licensed
3 Defendant in any way to use this confusingly similar name.

4 22. Defendant's name, "DIRECTO HISPANO" is nearly identical to DIRECTO
5 HISPANIC's mark. Both DIRECTO HISPANIC and DIRECTO HISPANO are comprised of
6 the first word "DIRECTO" followed by a second word, which is visually and phonetically very
7 similar, and identical in meaning. The words "HISPANIC" and "HISPANO" are visually and
8 phonetically identical, except for the last two letters of HISPANIC and the last letter of
9 HISPANO. Also, the word "HISPANIC" and "HISPANO" have identical meanings, namely, a
10 "Spanish speaking person." In fact, the dictionary definition for HISPANO refers to
11 HISPANIC and vice-versa. The words are essentially interchangeable and have identical
12 meanings. Taken as a whole, DIRECTO HISPANIC and DIRECTO HISPANO are identical in
13 meaning and virtually identical visually and phonetically.

14 23. On information and belief, Defendant is advertising, offering for sale and
15 performing services in interstate commerce under the name "DIRECTO HISPANO" with the
16 intent to trade off of and profit on the reputation and goodwill represented by DIRECTO
17 HISPANIC's mark, and with the intent to confuse, mislead, and/or deceive the public into
18 believing that Defendant's services are DIRECTO HISPANIC's services, or have been
19 sponsored or approved by DIRECTO HISPANIC, or are otherwise affiliated, connected, or
20 associated with DIRECTO HISPANIC. In particular, on information and belief, Defendant
21 provides marketing services targeting the Latino community, which are the same type of
22 services offered by DIRECTO HISPANIC and the same target audience as DIRECTO
23 HISPANIC.

24 24. Defendant's use of the very similar "DIRECTO HISPANO" designation has
25 caused actual consumer confusion, and is likely to further confuse, mislead, and/or deceive the
26 public into believing that Defendant's services are DIRECTO HISPANIC's services, or have
27 been sponsored or approved by DIRECTO HISPANIC, or are otherwise affiliated, connected,
28 or associated with DIRECTO HISPANIC.

1 25. DIRECTO HISPANIC has been damaged and is likely to be further damaged
2 by Defendant's continued use of the name "DIRECTO HISPANO."

3 26. Defendant's aforesaid acts have caused and will continue to cause great and
4 irreparable injury to DIRECTO HISPANIC and, unless such acts are restrained by this Court,
5 they will be continued and DIRECTO HISPANIC will continue to suffer great and irreparable
6 injury.

7 **CAUSES OF ACTION**

8 **COUNT I**

9 **FEDERAL UNFAIR COMPETITION**

10 **(15 U.S.C. SECTION 1125(a))**

11 27. DIRECTO HISPANIC incorporates and realleges the aforementioned
12 paragraphs as if fully set forth herein.

13 28. Defendant is a direct competitor of DIRECTO HISPANIC. DIRECTO
14 HISPANIC and DIRECTO HISPANO both advertise and offer marketing services targeted to
15 the Latino community.

16 29. Defendant's use of and intended continued use in interstate commerce of
17 DIRECTO HISPANO, a mark which is confusingly similar to DIRECTO HISPANIC'S
18 MARK, constitutes the use in interstate commerce of unfair competition, false designations of
19 origin, and false or misleading descriptions and representations of fact in connection with
20 services, which is likely to cause confusion, mistake, and/or deception as to the affiliation,
21 connection, or association of Defendant's services, or as to the sponsorship or approval of
22 Defendant's services, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

23 30. Defendant's interstate advertising, promotion, and offering of services
24 created and continues to create a likelihood of confusion, mistake or deception as to the
25 affiliation, connection, association, origin, sponsorship, approval, commercial activities, nature,
26 characteristics or qualities of Defendant's marketing services relative DIRECTO HISPANIC's
27 marketing services.

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1 31. The aforesaid conduct of Defendant is without the consent or permission of
2 DIRECTO HISPANIC.

3 32. On information and belief, Defendant committed the aforesaid infringing acts
4 willfully, intentionally, maliciously and in conscious disregard for the goodwill and reputation
5 associated with the DIRECTO HISPANIC MARK.

6 33. As a result of Defendant's aforesaid acts, DIRECTO HISPANIC has
7 suffered, and will continue to suffer, both money damages in an amount to be proven at trial
8 and damages which have no adequate remedy at law.

9 **COUNT II**

10 **STATE UNFAIR COMPETITION**

11 **(Cal. Bus. & Prof. Code § 17200 et seq., and 17500 et seq.)**

12 34. DIRECTO HISPANIC incorporates and realleges the aforementioned
13 paragraphs as if fully set forth herein.

14 35. DIRECTO HISPANIC invested and continues to invest substantial time, skill
15 and money in advertising, promoting and offering its services under its DIRECTO HISPANIC
16 MARK, as reflected in its common law rights.

17 36. Defendant has been trading off and continues to trade off of DIRECTO
18 HISPANIC's goodwill and use DIRECTO HISPANIC'S MARK through the use of the nearly
19 identical name DIRECTO HISPANO in connection with the offering of marketing services with
20 no consideration or payment to DIRECTO HISPANIC.

21 37. Defendant's use of DIRECTO HISPANO in connection with marketing
22 services is not authorized by DIRECTO HISPANIC.

23 38. Defendant's conduct constitutes unlawful, unfair, and fraudulent business
24 acts and practices and unfair competition prohibited under sections 17200 et seq., and 17500 et
25 seq., of the California Business and Professions Code.

26 39. As a result of Defendant's conduct, DIRECTO HISPANIC has suffered, and
27 will continue to suffer, irreparable harm to its business reputation, goodwill, and stature in the

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1 business community. This harm cannot be adequately compensated by money damages and
2 DIRECTO HISPANIC has no other adequate remedy at law.

3 40. As a result of Defendant's actions DIRECTO HISPANIC has suffered, and
4 will continue to suffer, money damages in an amount to be proven at trial.

5 41. DIRECTO HISPANIC is informed and believes and thereon alleges that
6 Defendant committed the above-alleged acts oppressively, fraudulently, maliciously and in
7 conscious disregard of DIRECTO HISPANIC's rights, and DIRECTO HISPANIC is therefore
8 entitled to exemplary and punitive damages pursuant to California Civil Code section 3294 in
9 an amount sufficient to punish, to deter and to make an example of Defendant.

10 **COUNT III**

11 **UNFAIR COMPETITION AND TRADEMARK**

12 **INFRINGEMENT UNDER COMMON LAW**

13 42. DIRECTO HISPANIC incorporates and re-alleges the aforementioned
14 paragraphs as if fully set forth herein.

15 43. The aforesaid acts of Defendants constitute the sale and passing-off of their
16 services which is an infringement, imitation, and misappropriation of DIRECTO HISPANIC's
17 trademark, in violation of DIRECTO HISPANIC's rights at common law.

18 44. Defendant's aforesaid acts have caused and will continue to cause great and
19 irreparable injury to DIRECTO HISPANIC and, unless such acts are restrained by this Court,
20 they will be continued and DIRECTO HISPANIC will continue to suffer great and irreparable
21 injury.

22 45. DIRECTO HISPANIC is informed and believes and thereon alleges that
23 Defendant's acts complained of herein have greatly damaged DIRECTO HISPANIC and,
24 unless retrained and enjoined, will continue to damage DIRECTO HISPANIC. DIRECTO
25 HISPANIC has no adequate remedy at law.

26 **WHEREFORE, Plaintiff DIRECTO HISPANIC prays for the following relief:**

27 46. That Defendant and its agents, servants, employees, attorneys, successors,
28 and assigns, and any and all persons acting in concert or participating with them or any of their

1 successors or assigns or any of them, be preliminarily and permanently enjoined and restrained
2 from directly or indirectly:

3 a. Using the mark "DIRECTO HISPANIC" or any reproduction, counterfeit,
4 copy, colorable imitation, or confusingly similar variation thereof, including "DIRECTO
5 HISPANO" in connection with the advertising, offering for sale, or sale of services in the
6 marketing and promotions industries, or related services;

7 b. Using the mark "DIRECTO HISPANIC" or any reproduction, counterfeit,
8 copy, colorable imitation, or confusingly similar variation thereof, including "DIRECTO
9 HISPANO", in any manner likely to cause others to believe that Defendant's services are the
10 services of DIRECTO HISPANIC, or have been sponsored or approved by DIRECTO
11 HISPANIC, or are otherwise affiliated, connected, or associated with DIRECTO HISPANIC;

12 c. Making any false or misleading statements regarding DIRECTO HISPANIC,
13 or its services, or the relationship between DIRECTO HISPANIC on the one hand, and Defendant
14 on the other hand;

15 d. Assisting, aiding, or abetting any other person or business entity in engaging in
16 or performing any of the activities referred to in the above subparagraphs a through c.

17 47. That DIRECTO HISPANIC recover damages in the form
18 Defendant's profits and/or its lost profits in such amounts as may be proven at trial.

19 48. That DIRECTO HISPANIC recover the damages arising out of the wrongful
20 acts of Defendant in a sum equal to three times the actual damages suffered by DIRECTO
21 HISPANIC, as provided in 15 U.S.C. § 1117.

22 49. That Defendant be ordered to undertake appropriate corrective advertising to
23 eliminate any confusion that already exists in the marketplace.

24 50. That DIRECTO HISPANIC have and recover the taxable costs of this action,
25 including reasonable attorneys' fees and interest, pursuant to 15 U.S.C. § 1117 and California
26 Code of Civil Procedure § 1021.5.

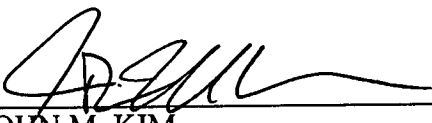
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1 51. That DIRECTO HISPANIC have such other and further relief as the Court
2 may deem just and proper.

3 Dated: August 22, 2008

4 IP LEGAL ADVISORS, PC

5
6 By 
7 JOHN M. KIM
8 Attorney for Plaintiff
9 DIRECTO HISPANIC, LLC
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DEMAND FOR JURY TRIAL

Plaintiff DIRECTO HISPANIC, LLC hereby demands a trial by jury.

Dated: August 22, 2008

IP LEGAL ADVISORS, PC

By


JOHN M. KIM
Attorney for Plaintiff
DIRECTO HISPANIC, LLC

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

John M. Kim, IP Legal Advisors, P.C., 1940 Garnet Ave., Suite 230
San Diego, CA 92109, (858) 272-0227

DEFENDANTS

2008 AUG 22 PM 3:46

County of Residence of First Listed Defendant New York
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED. 2017 DEPUTY

Attorneys (If Known)

08 CV 1560 JLS WMC

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. Section 1125

Brief description of cause:

Unfair Competition and Trademark Infringement**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$INJUNCTION

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/22/2008

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT #

154385

AMOUNT

\$350

APPLYING IFP

JUDGE

MAG. JUDGE

LAC 11/22/08 8/22/08

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

154385 - TC

**August 22, 2008
15:52:17**

Civ Fil Non-Pris

USAO #: 08CV1560

Judge.: JANIS L. SAMMARTINO

Amount.: \$350.00 CK

Check#: BC2404

Total-> \$350.00

FROM: CIVIL FILING